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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,191	01/04/2005	Yelena Shulepova	NL 020613	7687
24737	7590	12/14/2007	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			PRITCHETT, JOSHUA L	
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			12/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/520,191	SHULEPOVA ET AL.	
Examiner	Art Unit		
Joshua L. Pritchett	2872		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 October 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-9 and 11-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-9 and 11-22 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 04 January 2005 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date: \_\_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO/SB/08) 5)  Notice of Informal Patent Application  
Paper No(s)/Mail Date: \_\_\_\_\_.  
6)  Other: \_\_\_\_\_.

## DETAILED ACTION

This action is in response to Amendment filed October 25, 2007. Claims 17-22 have been added as requested by the applicant.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Doi (US 2003/0099045).

Regarding claims 1 and 11, Doi discloses a central lens element (20) having an optical axis (parallel to 28) and located centrally of a circumjacent mounting portion having spaced parallel surfaces that extend perpendicularly to the optical axis a non-random light scattering structure (26) for coupling out light entering the mounting portion, the non-random light scattering structure being located on at least one of the spaced parallel surfaces (para. 0033; Fig. 3; the structures both scatter and absorb) and light absorbing means adjacent the non-random

light scattering structure and configured to absorb light scattered from the non-random light scattering structure (para. 0033) and reduce ghosting of images displayed on a screen (para. 0037).

Regarding claims 17-22, Doi discloses the light scattering structure is located on both of the parallel surfaces (Fig. 3) and includes a first structure and a second structure the first structure (right side 26) of the light scattering structure being located on a first surface of the parallel surfaces, the first surface being near an image plane (light coming in at Lo) that is configured to receive the light coupled out of the light scattering structure and the second structure (left side 26) of the light scattering structure being located on a second surface of the parallel surfaces further from the image plane (Fig. 3). Doi further discloses the light absorbing means are located on the first surface (para. 0033; light absorbing means are located on both surfaces).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (US 5,550,657) in view of Hattori (JP 02-221829).

Regarding claims 1 and 11, Tanaka teaches an optical lens component comprising a central lens element (23) having an optical axis and located centrally of a circumjacent mounting portion (Fig. 3) having spaced parallel surfaces that extend perpendicularly to the optical axis (interfaces between 23 and 27 and 23 and 26), at least one of the spaced parallel surfaces being provided with a non-random light-scattering structure (26) for coupling out light entering the mounting portion (Fig. 3). Tanaka teaches the light absorbing means (22a) are provided adjacent at least one non-random light-scattering structure (Fig. 3; col. 7 lines 66-67). Tanaka lacks reference to the light absorbing means adjacent the non-random light-scattering structure. Hattori teaches the use of a light absorbing means adjacent the light scattering structure (abstract). The clad layer of Hattori provides both light absorption and light scattering. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Tanaka invention include the light absorbing means adjacent the light scattering structure as taught by Hattori for the purpose of achieve even brightness for a projected image. The combination of Tanaka and Hattori teach all the claimed structural limitations and therefore would be capable of performing all the claimed functional limitations. Tanaka and Hattori teach the claimed configuration of the absorbing means and the light scattering means and therefore would be able to perform the claimed function of reducing ghosting of images displayed on the screen.

Regarding claims 2 and 12, Tanaka teaches the non-random light-scattering structure comprises indentations having parallel light-scattering surfaces with predetermined inclinations relative to the spaced parallel surfaces (Fig. 3).

Regarding claims 3 and 13, Tanaka teaches the indentations comprise at least one array of concentric circular indentations centered on the optical axis of the lens element (Fig. 25). Examiner interprets “concentric circular indentations” to be similar to those shown in Figs. 3-4 of the current application, since these are the only drawings that show views of the indentations. The indentations of Fig. 25 in Tanaka resemble the indentations shown in Figs. 3-4 of current application.

Regarding claims 4 and 14, Tanaka teaches the indentations in at least one array have triangularly shaped cross sections in a plane in which the optical axis of the lens is located (Fig. 3).

Regarding claims 5 and 15, Tanaka teaches all indentations have identically shaped cross sections in at least one array (Fig. 3).

Regarding claims 6 and 16, Tanaka teaches the triangular shape is asymmetrical relative to a local perpendicular (Fig. 25).

Regarding claim 7, Tanaka teaches the triangular shape comprises a right angled triangle having one leg lying in the plane of the respective spaces parallel surface of the mounting portion, the second leg being disposed on the side of the triangle facing the central axis (Fig. 25).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (US 5,550,657) in view of Hattori (JP 02-221829) as applied to claim 1 above further in view of Ohkawa (US 6,568,820).

Tanaka in combination with Hattori teaches the invention as claimed but lacks reference to molding. Ohkawa teaches the use of molding to create the an optical lens element (col. 6 lines 11-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Tanaka in combination with Hattori invention created by molding as taught by Ohkawa for the purpose of precise and efficient reproduction of the light-scattering structure.

#### *Response to Arguments*

Applicant's arguments filed October 25, 2007 have been fully considered but they are not persuasive.

Applicant argued the functional language of claims 1 and 11 should be given significant patentable weight. Applicant sites Ex parte Sherman which states "we see no objection to the use to the functional statement to define an element." The examiner agrees there is no objection to the use of functional language. However, that functional language cannot distinguish an invention over the prior art as specifically stated in MPEP 2114. Further In re Danly 439 F.2d 210, 212-3 states "apparatus claims cover what a device is, not what a device does" (emphasis in original). Therefore applicant's arguments are not persuasive and the rejection is maintained.

Applicant argued Tanaka and Hattori are not analogous art. Both references deal with the absorption and scattering of light, therefore the examiner interprets the reference as being analogous.

Applicant argues one of ordinary skill in the art would not use the temperature sensor of Hattori as a ghost reducing structure. As stated above the functional limitation of reducing ghosting cannot overcome the prior art. Also the rejection above uses Hattori to teach that absorbing and light scattering means may be combined into a single element, thus the light scattering means of Tanaka would remain in the same location and provide both light scattering and absorption as taught by Hattori.

Applicant argues the combination set forth in the rejection would render Tanaka inoperable. Tanaka teaches both a motivation to reduce the loss of light, but also a motivation to provide smooth angular distribution of the luminance (col. 13 lines 40-45). Thus the combination sacrifices a portion of one goal of Tanaka in an effort to achieve greater performance of the other goal of Tanaka. Thus the Tanaka reference would be modified not inoperable.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L. Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joshua L Pritchett  
Primary Examiner  
Art Unit 2872